



ASSESSING PENDING VIRGINIA LEGISLATION ON ARMED PERSONS IN SCHOOLS

**Reviewing the Requirements, Impacts, and
Implications of HB1557, HB1730 and HB 2277**



Virginia Department of Criminal Justice Services
and the Governor's School and Campus Safety Task Force

Abstract:

The tragic shootings at Sandy Hook Elementary in Newtown, Connecticut catalyzed government action across the nation. The Commonwealth of Virginia is currently considering three pieces of legislation which are intended to enhance safety at schools. Each proposed Bill provides for armed persons in schools, through either School Resource Officers, armed school personnel or citizens, or the redefining of School Security Officers to allow former law enforcement personnel to work for schools. Each article has a series of requirements for schools and localities and implications for school safety. These requirements and implications are considered relative to available scholarly research and data. The Executive Summary highlights key ideas from each Bill and describes broad emergent themes. Subsequent sections address each Bill in detail.

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Executive Summary:

Assessing Pending Virginia Legislation on Armed Persons in Schools

Introduction

The tragic shooting at Sandy Hook Elementary in Newtown, Connecticut catalyzed legislative bodies across the nation to address issues of school safety. The Commonwealth of Virginia is no stranger to these issues as the shooting at Virginia Tech in 2007 catalyzed important policy and legislation. Steps to prevent or deter events such as the shooting at Sandy Hook led to the establishment of the Governor's Taskforce on School and Campus Safety in 2012 and several articles of pending legislation. This report assesses three pieces of legislation (HB 1557, 1730, and 2277), each of which provides for armed persons in schools. The Executive Summary provides an overview of each piece of legislation and identifies cross-cutting themes and issues. The main body of the report details issues, relevant data, scholarly research, and key implications for each House Bill.

HB 1557: Armed Persons in Schools

The pending item of legislation, HB 1557, directs all schools in Virginia to designate a minimum of one person who will be expected to carry a firearm on school grounds. This designee must be one of the following: a school employee, a volunteer, or a former law enforcement personnel. Additional parameters associated with the designee (such as a minimum tenure with the school or district) and minimum weapon certifications are defined in the Bill. While the intent of HB1557 is to enhance the safety and security of schools, students, and school personnel, important issues should be considered. Mandating that a school employee or designee of the school is armed raises liability and public safety issues which could extend to the school, as evidenced in each of the following scenarios:

- Armed designee accidentally shoots a student or school personnel during a critical incident;
- Armed designee loses control of the firearm and it is used against others;
- Armed designee intervenes in a non-critical incident, escalating it to a deadly force situation;
- Law enforcement mistake armed designee for an assailant and fire upon him/her.

Requiring that a firearm be present on school grounds raises important issues of insurance, weapon storage, access to the weapon or weapon storage, and similar logistic issues. The research on citizen use of weapons in defensive scenarios is mixed—there are times when having a firearm can decrease victimization, however, there is also research indicating that the presence of a firearm makes the scenario more dangerous for the victims. The presence of a firearm in a school may have important psychological implications for both students and school personnel. These psychological ramifications may contribute to violence and student propensity to bring guns to schools. Each of these issues is discussed in detail in the subsequent section on HB1577.

HB 1730: Requiring School Resource Officers in all Schools

The presence of police in schools is intended to provide a sense of safety and decrease the likelihood or impact of a critical incident. The scholarly research on the effectiveness of School Resource Officers (SROs) identifies several areas where positive outcomes are noted. Perceptions of safety among students and school personnel are generally enhanced when an SRO is present. Mixed findings have

been reported regarding SRO effects on crime and delinquency in schools. There are no data describing how – or whether – SROs impact critical incidents such as live shooter scenarios. It should be noted that an armed school resource officer was present during the Columbine shooting and numerous law enforcement personnel were on campus during the Virginia Tech shooting. HB1730 mandates that all Virginia schools have an SRO present. While there are a number of important issues associated with this item of legislation, the most cogent is cost. There are approximately 2000 schools in Virginia. The cost to field an SRO is approximately \$100,000 per year (including salary, benefits, health insurance, liability insurance, vehicle, equipment, training, and administrative impact). Thus, the cost to place an SRO in every school is approximately \$200 million per year. As a point of comparison, the largest law enforcement agency in Virginia is the State Police with approximately 1850 sworn personnel and a direct budget impact of \$229 million per year. Approximately 500-550 schools in Virginia are served by an SRO; however, these are often not dedicated SROs. That is, one SRO may serve a number of schools. These SROs are paid locally or through the state SRO fund. Requiring all schools to field an SRO may shift costs from localities to the state. Research findings and other issues are described in greater detail in the section addressing HB1740.

HB 2277: Defining School Security Officer Position

The Commonwealth of Virginia currently defines a School Security Officer as an unarmed security person contracted by the school or board of education. Pending legislation HB2277 redefines the School Security Officer and creates a new position, School Safety Officer. The revised definition of School Security Officer would require these individuals to be retired or former sworn law enforcement personnel who could then be hired by schools to produce an armed presence on school grounds. A number of considerations regarding impact on retirement and benefits of these former law enforcement personnel are provided in the legislation.

The newly created School Safety Officer position would serve as the current School Security Officer. That is, a School Safety Officer would be an unarmed, privately contracted person who is directed to enhance the safety at a school. This person could monitor doors, patrol parking lots, direct traffic, maintain safety during special events, and observe students (i.e. during lunch or when classes change). Data on School Security Officers (as currently defined) in Virginia indicate that they are most likely to be assigned in high schools and appear infrequently at other schools. SSOs are in about 20% of all school divisions and there are close to 850 currently employed in Virginia, most of which are full time. These utilization numbers are higher than reported national averages. Additional data on School Security Officers are presented in the section addressing HB2277.

There are several implications of HB2277 which should be considered. One of the key issues is liability insurance. Law enforcement agencies pay several thousand dollars per officer, per year. This insurance covers decisions against an agency when a suspect or bystander is injured due to action taken by the police. Schools would likely need to secure such insurance if they were the hiring agency for the newly defined School Security Officer.

Emergent Themes

Each of the three articles of pending legislation described previously, and considered in greater detail in subsequent sections, is intended to make schools safer. The desire to protect students and secure those

who work at schools represents an immensely important goal. A careful review of each Bill and the implications of that legislation suggests there are serious considerations of each which must be addressed by decision makers. There are several themes that cut across all, or multiple pieces of the pending legislation.

The most obvious of those themes is cost. Dramatically increasing the number of School Resource Officers would create an unfunded mandate of approximately \$200 million per year for the Commonwealth. HB1730 would instantly mandate the equivalent of the largest de facto law enforcement agency in the state. The hiring and training costs are not included in the \$200 million estimate. HB2277, which redefines the School Security Officer position, would also create important financial issues. Liability insurance is one of the most expensive recurring costs faced by law enforcement agencies. Schools, which already have very tight budgets, would need to consider these costs if they elect to hire one of the newly defined School Security Officers. HB1557 requires that schools designate an armed person (a school employee, citizen volunteer, or former law enforcement person) to enhance safety at schools. There are similar liability insurance implications associated with a school maintaining an armed presence on campus using school employees, citizen volunteers, or former law enforcement personnel, as proposed by HB1557.

Each of the three pieces of legislation is predicated on the idea that an armed agent of the school, or at the school, will enhance school safety. There are no data to support this idea since critical incidents such as the shooting at Sandy Hook Elementary are so rare. There are, however, serious safety and liability implications of having non-active duty law enforcement personnel armed at schools. Teachers, administrators, citizen volunteers, even retired law enforcement, do not regularly qualify with firearms or receive ongoing use of force training. The decisions they make on a daily basis (such as how to store a firearm, or whether to intervene in a fight) will have greater implications for school safety than their response to an unlikely critical incident. There are also important psychological considerations of arming persons at schools that will impact students, teachers, and all school personnel.